

## Message Text

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ORIGIN DLOS-09

INFO OCT-01 EUR-12 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05  
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00  
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00  
H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05  
NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15  
ICA-11 AF-10 ARA-10 EA-10 NEA-10 /188 R

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-----065683 270821Z /17  
R 270011Z APR 78  
FM SECSTATE WASHDC  
TO AMEMBASSY MOSCOW  
INFO USMISSION GENEVA

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GENEVA FOR US DEL LOS

E.O. 11652: N/A

TAGS:PLOS

SUBJECT: DEMARCHE TO SOVIETS ON US ENVIRONMENTAL EFFORTS  
AT LOS CONFERENCE

1. FOLLOWING ARE TALKING POINTS PREPARED FOR CONTEMPLATED  
DEMARCHE HERE TO AMBASSADOR DOBRYNIN:

2. BEGIN TEXT:

-- AN LOS TREATY IS IMPORTANT TO BOTH THE US AND USSR FROM  
A GLOBAL POINT OF VIEW.

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-- A TREATY IS SIGNIFICANT FOR THE SOLUTIONS IT WILL BRING  
TO PROBLEMS OTHERWISE ARISING FOR HIGH SEAS NAVIGATIONAL  
FREEDOMS IN THE FACE OF CREEPING JURISDICTION.

-- GIVEN THE PRESENT SENATE ALIGNMENT, IT IS QUITE POSSIBLE  
THAT A TREATY CONTAINING THE PRESENT ENVIRONMENTAL TEXT

WOULD NOT GAIN SENATE APPROVAL.

-- SENATOR MUSKIE HAS MADE CLEAR HIS OPPOSITION TO THE TEXT ON MARINE POLLUTION BEFORE THE LAW OF THE SEA CONFERENCE.

-- THIS IS NOT SIMPLY A QUESTION OF OPPOSITION FROM SENATOR MUSKIE AND OTHER ENVIRONMENTALLY ORIENTED SENATORS, HOWEVER. AN LOS TREATY SENATE DEBATE COULD BE COMPARED TO THE DEBATE OVER THE PANAMA CANAL TREATY AND COULD WELL BE MORE DIFFICULT. WITHOUT IMPROVEMENTS IN THE ENVIRONMENTAL TEXT, A TREATY MAY WELL NOT COMMAND SUFFICIENT SUPPORT, NO MATTER HOW FAVORABLE THE NAVIGATION PROVISIONS.

-- FOR THESE REASONS, AMBASSADOR RICHARDSON DEVELOPED A PACKAGE OF AMENDMENTS TO THE LOS TEXT IN CONSULTATION WITH CONGRESSIONAL AIDES AND ENVIRONMENTALISTS. THAT PACKAGE REPRESENTS A VERY LIMITED SET OF CHANGES THAT WE HOPE IS SUFFICIENT TO HAVE A POSITIVE IMPACT ON DOMESTIC WILLINGNESS TO ACCEPT AND ABIDE BY REASONABLE JURISDICTIONAL LIMITATIONS THAT BOTH OF US COULD SUPPORT.

-- I AM DISTURBED BY REPORTS FROM GENEVA THAT OUR TWO DELEGATIONS, DESPITE LONG AND FRIENDLY CONVERSATIONS, HAVE BEEN UNABLE TO AGREE ON THIS SUBJECT.

-- IT SHOULD BE APPARENT THAT OUR PROPOSALS ARE VERY LIMITED OFFICIAL USE

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MODEST WHEN ONE CONSIDERS WHAT CAN HAPPEN IF THERE IS A FREE-FOR-ALL IN COASTAL STATE ASSERTIONS REGARDING POLLUTION IN THE 200-MILE ZONE.

-- THERE IS NO GUARANTEE THAT THE US CONGRESS WILL ACCEPT THE IDEA THAT COASTAL STATES MAY NOT IMPOSE UNILATERAL STANDARDS DIFFERENT FROM INTERNATIONAL STANDARDS IN THE 200 MILE ZONE. TO COME CLOSE TO ACHIEVING SUCH A RESULT, THE TEXT MUST BE CHANGED: (1) TO ELIMINATE RESTRICTIONS OF EXISTING RIGHTS OF COASTAL STATES IN THE TERRITORIAL SEA TO SET AND ENFORCE POLLUTION STANDARDS, IN PARTICULAR DISCHARGES FROM SHIPS IN INNOCENT PASSAGE; (2) TO MAKE CLEAR THAT A VESSEL CAUGHT POLLUTING THE 200-MILE ZONE CAN BE ARRESTED AND PUNISHED BY THE COASTAL STATE WITHOUT ANY DUTY TO SUSPEND PROCEEDINGS IN FAVOR OF A FLAG STATE; AND (3) TO ENABLE US AND OTHERS TO MAKE JOINT ARRANGEMENTS WITH NEIGHBORS TO CONTROL THE CONSTRUCTION, MANNING, EQUIPMENT AND DESIGN OF VESSELS USING THE TERRITORIAL SEA EN ROUTE TO PORTS OF THE REGION.

-- WE ARE MAKING AN EARNEST EFFORT TO BUILD A POLITICALLY REALISTIC LEGAL FRAMEWORK THAT CAN PROTECT THE ENVIRONMENT

FROM UNREASONABLE SHIPPING PRACTICES, AND THAT CAN PROTECT  
OUR NAVIGATIONAL FREEDOMS FROM THE UNDERSTANDABLY PASSION-  
ATE REACTION TO OUTRAGEOUS POLLUTION INCIDENTS. WE HOPE  
YOUR DELEGATION IN GENEVA WILL BE GIVEN INSTRUCTIONS TO  
COOPERATE IN THE EFFORT WITHOUT DELAY AND TO PERSUADE  
OTHER MARITIME COUNTRIES OF THE POLITICAL NEED TO PRODUCE  
CONCRETE RESULTS AT THIS SESSION. END TEXT. VANCE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DEMARCHE, TEXT, LAW OF THE SEA, MEETINGS, ENVIRONMENTAL AGREEMENTS  
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**Copy:** SINGLE  
**Draft Date:** 27 apr 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Film Number:** D780179-1223  
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**Litigation History:**  
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**Message ID:** 9703eeb5-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN DLOS  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
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**Review Release Date:** N/A  
**Review Release Event:** n/a  
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**Subject:** DEMARCHE TO SOVIETS ON US ENVIRONMENTAL EFFORTS AT LOS CONFERENCE  
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**To:** MOSCOW  
**Type:** TE  
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